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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,794	02/04/2004	Katsuhiro Wada	B422-255	3353

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EXAMINER	
JONES, HEATHER RAE	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/771,794	WADA, KATSUHIRO	
	Examiner	Art Unit	
	HEATHER R. JONES	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 February 2004 and 08 October 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed September 3, 2008, with respect to the rejection(s) of claim(s) 1-3 and 8 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent Application Publication 2002/0044758) in view of Yatomi (U.S. Patent 5,909,421).

Regarding claim **1**, Kobayashi discloses a reproducing apparatus comprising: reproducing means for reproducing moving image data for normal reproduction and image data for high-speed reproduction different from the moving image data for normal reproduction from a recording medium which records thereon moving image data train including the moving image data for normal reproduction which is encoded by using intra- frame coding and inter-frame coding and the image data for high-speed reproduction (Fig. 1; Fig. 2 –

normal and high speed reproduction; paragraph [0029] – MPEG-2 standard, which includes both intra- and inter-frame coding); an interface for outputs in a form of encoded data the moving image data for normal reproduction and the image data for high-speed reproduction, each of which is reproduced by the reproducing means to an outside of said reproducing apparatus (Fig. 1—digital interface (106)); mode setting means for setting one of a normal reproduction mode in which said reproducing means reproduces the moving image data for normal reproduction and the image data for high-speed reproduction and a high-speed reproduction mode in which said reproducing means reproduces the image data for high-speed reproduction (Fig. 2; paragraph [0052]); and decoding means for selectively decoding one of the moving image data for normal reproduction and the image data for high-speed reproduction, each of which is reproduced by the reproducing means, according to the mode set by said mode setting means, wherein in the normal reproduction mode, said interface multiplexes and outputs in a form of encoded data the moving image data for normal reproduction and the image data for high-speed reproduction and said decoding means decodes the moving image data for normal reproduction (Fig. 2). However, Kobayashi fails to disclose that in the high-speed reproduction mode, said interface stops outputting the image data for high-speed reproduction and said decoding means decodes the image data for high-speed reproduction.

Referring to the Yatomi reference, Yatomi discloses that once the dubbing process is initiated the VTR does a search using high speed reproduction in order to find the starting point of the dubbing process (Fig. 5; col. 8, lines 44-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have searched in high speed reproduction for the starting point of the dubbing process as disclosed by Yatomi in the apparatus disclosed by Kobayashi in order to more precisely record the program for the right amount of time. Furthermore, when Yatomi is combined with Kobayashi and the user is searching for the starting point of the dubbing one would want to view the program data on the display thereby not needing the interface to output the program data, but the program data would need to follow the path to the display by going through the decoder first, thereby meeting the claimed limitation that in the high-speed reproduction mode, said interface stops outputting the image data for high-speed reproduction and said decoding means decodes the image data for high-speed reproduction.

4. Claims 2, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Yatomi as applied to claim 1 above, and further in view of Lane et al. (U.S. Patent 5,377,051).

Regarding claim **2**, Kobayashi in view of Yatomi discloses all the limitations as previously discussed with respect to claim 1, but fails to explicitly disclose that the interface converts the moving image data for normal reproduction and the image data for high-speed reproduction into a plurality of

packets having a data size of a predetermined amount respectively, and the interface multiplexes and outputs the plurality of packets.

Referring to the Lane et al. reference, Lane et al. discloses an apparatus wherein the interface converts the moving image data for normal reproduction and the image data for high-speed reproduction into a plurality of packets having a data size of a predetermined amount respectively, and the interface multiplexes and outputs the plurality of packets (Fig. 11; col. 53, lines 35-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have converted the moving image data into the right format as disclosed by Lane et al. in the apparatus disclosed by Kobayashi in view of Yatomi in order to correctly record the data in the right format in the other apparatus.

Regarding claim **3**, Kobayashi in view of Yatomi in view of Lane et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that each of the plurality of packets includes ID data, and the interface allocates predetermined values different from each other to the ID data of the packet of the moving image data for normal reproduction and the ID data of the packet of the image data for high-speed reproduction (Lane et al.: Fig. 11; col. 53, lines 35-62).

Regarding claim **8**, Kobayashi in view of Yatomi discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the image data for high-speed reproduction includes only image data of a

frame encoded by the intra-frame coding among the moving image data for normal reproduction.

Referring to the Lane et al. reference, Lane et al. discloses an apparatus wherein the image data for high-speed reproduction includes only image data of a frame encoded by the intra-frame coding among the moving image data for normal reproduction (col. 28, lines 37-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have only reproduced the intra-frames during high-speed reproduction as disclosed by Lane et al. in the apparatus disclosed by Kobayashi in view of Yatomi in order to allow the decoder to display the frames at a faster pace during high-speed reproduction since I-frames are stand-alone frames and do not need any information from the other frames to be displayed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
February 28, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621